

REMARKS/ARGUMENTS

Reconsideration of the above-identified application in view of the present amendment is respectfully requested.

First, it is noted that all of the claims were rejected in view of various asserted combinations of teachings that include the teachings of Miller et al. (US Patent No. 5,212,354). In fact, the Miller patent is the base reference within all of the asserted combinations. However, it is exceedingly clear that the device of Miller is for insertion into a drilled hole in the earth (e.g., a well hole), and is used to monitor seismic activity of the earth. It is noted that the Assignee on the face of the Miller patent is Exxon Production Research Co., which is a noteworthy oil and gas drilling entity. This additional information should help clarify what the Miller patent is teaching.

With a clear understanding of the teachings of Miller, it will be easy to understand the distinction between the present invention and the technology associated with the Miller patent.

Turning to some of the claimed limitations, as an example, claim 1 recites, in pertinent part, a process for checking the preloads applied on a nuclear fuel assembly through clamping means installed in defined positions inside a housing provided in a transport container, and the process includes insertion, in the housing, of a check template. Although not directly, the Office action seems to present the concept that patentable weight was not given to such process limitations. This is apparently due to the fact that the Miller patent does not have a template inserted within a housing (i.e., it is a series of seismic sensor units suspended from a wireline and suspended within a bore hole). The failure to give patent weight would not be proper. It should be noted that insertion of the check template into the housing is recited within the body of the claim, not just the preamble. Further, the preamble provides life and meaning to the body of the claim and thus cannot be ignored. As such, these features, which are absent from the teachings of Miller, provide for distinction of the present invention.

Further, the Office action appears to misinterpret the claim limitations directed to the check template being fitted with a series of force measurement

means positioned corresponding to the clamping means so that each of the force measurement means abuts against the corresponding clamping means. Again, the preamble provides life and meaning to these limitations. The clamping means are installed in defined positions inside a housing, and it is the force measurement means of the check template that are positioned to have the correspondence to the clamping means. Within the Miller patent, each clamp is part of the unit that is lower into the earth. The clamps are not installed within a housing at defined positions. As such there is no step of positioning the force sensing means to have a correspondence to such clamps installed in a housing.

As such, the teachings alleged to be provided by the Miller patent fall short of that which would be needed to satisfy the corresponding claim limitations.

With regard to the asserted combination of the teaching of Rylatt (US Patent No. 4,668,466) with those already presented from Miller, it is respectfully submitted that the person of ordinary skill in the art would not consider such a combination to have been obvious. The Office action asserts that the motivation is to make the Miller device versatile. In short, this appears to be merely a generic statement. It is respectfully submitted the Miller device is very versatile for the very purpose for which is designed and intended to be used. Moreover, it should be considered that the Miller device is intended to measure seismic waves. It is queried how the use of the Rylatt force measuring apparatus will make the Miller device any more versatile in measuring seismic waves. It is respectfully submitted that no such additional versatility will result and the generic motivation proffered within the Office action would not have led the person of ordinary skill in the art to make any modification to the Miller device. Certainly it would seem very odd to the person of ordinary skill in the art to use a sensor from a nuclear reactor within a borehole.

In view of the forgoing, it is respectfully submitted that the present invention is patentable in view of the proffered combination of Miller and Rylatt.

Turning to some of the other proffered rejections, it is noted that there appears to be an improper assertion of obviousness based upon combination of teaching that do not include the teaching of Rylatt (as applied to the base claims). In other words, the rejections proffered at item 3 on page 2 and item 4 at page 3 are erroneous because they apparently omit the inclusion of the teaching of Rylatt as presented for the base claims addressed at item 2 on page 2. Although this in itself appears to be a fatal point, for the sake of completeness some further discussion is provided. With regard to Kabushiki et al. (EP 0176173A2), it is queried why the

person of ordinary skill in the art would try to modify the seismic sensor device of Miller to have minimum and maximum comparison capabilities. With regard to seismic activity, it is the occurrence and magnitude of the seismic activities that need to be monitored, not whether it is within a desired minimum/maximum range. The Office action states that the motivation to make the asserted combinations is to make the Miller device more complete and fully perform measurement functions. It is respectfully submitted that such a generic proffered motivation would not provide any true motivation to the person of ordinary skill in the art. As similarly indicated above, the Miller device seems to provide its function perfectly well. As such, there does not seem to be any level of incompleteness or lack of full performance associated with the Miller device.

With regard to Woodle (US 5,199,518), the same basic question arises - why would the person of ordinary skill in the art try to modify the seismic sensor device of Miller. The Miller device does not even have a template with sides. Within the Miller device, the sensor units are vertically spaced. A template with sides to permit location of force measurement means on such sides would not appear to add anything to the measurement of seismic activity. With regard to the proffered motivation to combine, it is noted that the motivation asserts that 1) the measurement means are equivalents and 2) the use of the Woodle measurement means would make the Miller seismic device more versatile. Focusing upon the first part, it is respectfully submitted that the load sensor as taught by Woodle is not an equivalent of the seismic sensor taught by Miller. If the Examiner is of the opinion that the load sensor of Woodle will function as a seismic sensor, the Examiner should clearly state such a position. With regard to the second aspect, it is queried how use of a non-seismic sensor (i.e., the Woodle load sensor) within a seismic sensing device makes the device more versatile. It is respectfully submitted that the generic concepts presented as motivation would fail to lead the person of ordinary skill in the art to make the asserted combination.

In view of the foregoing, it is respectfully submitted that the above-identified application is in condition for allowance and allowance for the above-identified application is respectfully requested. However, the applicant's representative would like further discussions with the Examiner to make sure that the Examiner appreciates the distinctions between the present invention and the Curtil patent. As such, it is respectfully requested that the Examiner contact the undersigned attorney when the Examiner reviews the present amendment.

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Amdt. dated July 9, 2004
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If there are any fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 34132.

Respectfully submitted,
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